

Rule 3001 - 1

Claims & Equity Security Interests - General

(a) Post Petition Claims

A claimant who files a proof of claim for a claim against the debtor that arose after the date of the order of relief shall serve a copy of the proof of claim on the debtor's attorney or debtor, if unrepresented .

(b) Tardily Filed Proof of Claim

A claimant who files a proof of claim after expiration of the time fixed for the filing of proofs of claim shall serve a copy thereof on the debtor's attorney or debtor, if unrepresented.

(c) Claims in Chapter 11

- (1) In a Chapter 11 case, any creditor or equity security holder whose claim or interest is not scheduled or is scheduled as disputed, contingent, or unliquidated shall file a proof of claim or interest within ninety (90) days after the first date set for the meeting of creditors.
- (2) Claims "deemed filed" in a Chapter 11 case pursuant to 11 USC 1111(a) shall be deemed filed only so long as the case remains in Chapter 11. If the Chapter 11 case is converted, an actual proof of claim must be filed.

Related Provisions

FRBP 3001	Proof of Claims
FRBP 3002	Filing Proof of Claim
FRBP 3003	Filing of Claim in Chapter 9 & 11
FRBP 3004	Filing of Claim by Debtor or Trustee
FRBP 3005	Filing of Claim by Co-debtor
FRBP 3006	Withdrawal of Claims
FRBP 3007	Objection of Claims
FRBP 3008	Reconsideration of Claims
FRBP 9014	Contested Matters
LBR 3001 - 1	Claims & Equity Security Interests - General
LBR 3007 - 1	Claims - Objections
11 USC 501	Filing of Proofs of Claim
11 USC 502	Allowance of Claims
11 USC 506	Determination of Secured Status
11 USC 507	Priorities
11 USC 509	Claims of Co-debtors
11 USC 1305	Filing of Postpetition Claims

Rule 3007 - 1

Claims - Objections

(a) Objection

- (1) An objection to the allowance of a claim shall identify the claimant by name and clerk's docket number and shall include the following:
 - (A) Notice that if the claimant fails to timely file a written response that:
 - (i) the court may rule on the pleadings filed without oral argument and without further notice to the claimant; and
 - (ii) that the claimant will be deemed to have consented to such a determination by the court in accordance with LBR 3007(b)(2)(B);
 - (B) The specific date by which a response is considered to be timely filed, which date shall be no less than thirty (30) days from the date the objection is served, plus three (3) additional days as required by FRBP 9006; and
 - (C) an affidavit or unsworn declaration under penalty of perjury that clearly sets forth the basis of the objection sufficient to overcome the prima facie effect of the proof of claim pursuant to FRBP 3001(f).
- (2) The objecting party shall serve a copy of the objection, along with the affidavit or declaration and the notice as required by subparagraph (a)(1) of this rule, on the claimant, debtor, debtor's attorney and the trustee. Service of the Notice of Objection shall be in accordance with FRBP 7004 and 9014.
- (3) If the objection requires the determination of the value of a claim secured by a lien on property in which the estate has an interest, the objecting party shall also comply with LBR 3012-1.

(b) Response

- (1) Response Filed
 - (A) If the claimant files a written response to the objection, the claimant shall serve a copy of the response on the objecting party and the trustee.

- (B) Upon the filing of a response, the Court will promptly set a hearing and provide notice of the date and time set for the hearing to the objecting party, the claimant and the trustee. The hearing shall be conducted unless the objection is resolved prior to the hearing by a stipulated order or withdrawal of the objection.

(2) No Response Filed

- (A) If no response is filed, the objecting party shall, within thirty (30) days of the expiration of time to timely file a response, present an ex parte order, based on the objection and supported by an affidavit or unsworn declaration under penalty of perjury that the objection was filed and served in accordance with sub-section (a) of this rule and that no response was filed or served.
- (B) Failure by the claimant to file a response shall be deemed as consent to have the court consider and determine the issue on the pleadings without oral argument.

(c) Striking of Objection

Should the objecting party fail to timely present an order on the objection in accordance with sub-paragraph (b)(2)(A) of this rule, the trustee or any party in interest may, on five (5) days notice to the objecting party, request that the objection be stricken.

(d) Hearing

Notwithstanding sub-paragraph (b)(2) of this rule, any party in interest may request a hearing in accordance with LBR 9073-1.

Related Provisions

FRBP 3007	Objections to Claims
FRBP 7001	Adversary Proceedings
FRBP 9014	Contested Matters
LBR 2002 - 1	Notice to Creditors and Other Interested Parties
LBR 7003 - 1	Cover Sheet
11 USC 506	Secured Claims
28 USC 1930(b)	Bankruptcy Fees

Rule 3012 - 1

Valuation of Security

(a) Motion

A motion to determine the value of a claim secured by a lien on property in which the estate has an interest may be by separate motion or may be included in an objection to the allowance of a claim made pursuant to LBR 3007-1.

(b) Service

- (1) Service of the notice shall be made on twenty (20) days notice and hearing:
 - (A) to the master mailing List pursuant to LBR 2002 - 1; and
 - (B) to the trustee and any holder of a lien to be valued as required by FRBP 9014 and 7004.
- (2) In the case of Chapter 13, notice need only given as required by sub-section (b)(1)(B) of this rule.

(c) Content of Notice

- (1) The notice of this motion shall contain the following information:
 - (A) a description of the property to be valued;
 - (B) the value placed on the property by the moving party;
 - (C) the names of all holders of liens in the property; and
 - (D) with respect to each holder;
 - (i) the amount placed on each holder's interest by the moving party;
 - (ii) the priority in the property attributed to each holders's interest by the moving party; and
 - (iii) whether the holder's interest is to be treated as fully secured, under-secured or unsecured.

Related Provisions

FRBP 2002	Notice and Hearing
FRBP 3012	Valuation and Security
FRBP 7004	Service
FRBP 9006	Time
FRBP 9014	Contested Matters

LBR 2082 - 1 Chapter 12 - General

LBR 2083 - 1 Chapter 13 - General

LBR 3012-1

March 1, 2000

Rule 3016-1

Chapter 11 -Pre-Confirmation Requirements

(a) Applicability

This rule applies only to cases under Chapter 11 of the Bankruptcy Code.

(b) Affidavit or Certificate

The debtor shall file with the petition for relief under Chapter 11, or within fifteen (15) days thereafter an affidavit or certificate under penalty of perjury that discloses the following information:

- (1) The name and addresses of the members of any creditors' committee organized before the order for relief under Chapter 11;
- (2) If the debtor is operating a business, the following information for the thirty (30) day period following the order for relief:
 - (A) the amount proposed to be paid pursuant to subdivision (d) below to insiders if the debtor is a corporation, or to the debtor, insiders or members of the partnership if the debtor is an individual or partnership;
 - (B) the proposed payroll for employee labor exclusive of (A) above;
 - (C) the operating expenses, exclusive of (A) and (B) above;
 - (D) the estimated profit or loss, after deduction of expenses under (A), (B), and (C) above; and
 - (E) any non-cash operating expenses proposed not to be paid for any reason.
- (3) An averment that no compensation shall be paid in violation of subdivision (d) of this rule.

(c) Compensation

- (1) If the trustee or debtor in possession is operating a business, no compensation shall be paid to the debtor, or to insiders from the order of relief until the confirmation of a plan, except in accordance with the provisions of this subdivision.

- (2) The trustee or debtor in possession shall give notice to all parties on the Master Mailing List of the intent to pay compensation. The notice shall state the amount of compensation, to whom the compensation is to be paid, the amount of compensation paid over the past twelve (12) months, and the nature of the services to be performed. The notice shall summarize the provisions of subparagraph (3) below and shall further state that any party in interest may object to the compensation and request a hearing at any time prior to confirmation.
- (3) Compensation may commence after notice is given. Any party in interest objecting to the compensation shall do so in writing, and has the duty to request a hearing on the objection. The compensation shall continue until the Court orders otherwise. The Court shall provide an expedited hearing on the objection. If the Court rules that the amount received prior to the hearing is excessive, it may order disgorgement of funds back to the estate.

(d) Funds of the Estate

Upon entry of an order for relief in a case under Chapter 11, the debtor in possession shall open or designate a depository account or accounts in the name of the debtor in possession, and close all old accounts. All funds of the estate shall be transferred to the new account or accounts. All receipts and disbursements of the debtor in possession shall be through the new account or accounts. All disbursements for living expenses of the debtor or for salary or living expenses of the debtor or insider pursuant to subparagraph (c) of this rule shall be in form of a check made payable to the debtor or insider.

(e) Monthly Financial Report

- (1) A debtor in possession or trustee operating a business shall file with the Court a monthly balance sheet and profit and loss statement prepared on an accrual basis, unless such requirement is modified by the court for cause shown. The profit and loss statement, showing cash receipts and disbursements, shall be in sufficient detail to enable parties in interest to adequately assess the current financial condition, profitability, and desirability of continued operating of the business. The monthly financial report shall include a certification that all taxes due have been paid and that all tax deposits have been made, and shall indicate the amount paid or deposited, the date of payment or deposit, and the taxing agency paid or the place the tax was deposited.
- (2) The above financial information shall be filed within fifteen (15) days of the close of the month during which relief was ordered and within fifteen (15) days of the close of every month thereafter, until a plan is confirmed or the case is converted or dismissed. A copy of each monthly balance sheet and profit and loss statement

shall be sent to the chairman of any creditors' committee by the debtor in possession or trustee.

- (3) If the debtor is a farmer, monthly reports shall be made as required by LBR 2082-1(f).

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
LBR 3017-1	Disclosure Statement and Plan - General
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Decree in Chapter 11 Reorganization Cases
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

LBR 3016-1
July 1, 2004

Rule 3017-1

Disclosure Statement and Plan - General

(a) Minimum Information Required in Disclosure Statement

The disclosure statement shall include, at a minimum, detailed information regarding the following:

- (1) description of the business of the debtor;
- (2) history of the debtor prior to filing;
- (3) current financial information;
- (4) description of the plan;
- (5) how the plan is to be executed;
- (6) liquidation analysis;
- (7) management to be retained and their compensation;
- (8) detailed financial projections of operations and discussion of underlying assumptions;
- (9) litigation pending or contemplated;
- (10) payments made for services in connection with the case or plan;
- (11) transactions with insiders; and
- (12) tax consequences.

(b) Approval of Disclosure Statement

Unless the disclosure statement is conditionally approved, or the court has granted a motion not requiring a separate disclosure statement, approval of the disclosure statement shall be governed by FRBP 3017(a).

(c) Disclosure Statement in Case of Small Business Debtor

- (1) A motion for an order determining that a separate disclosure statement is not necessary or for conditional approval of a disclosure statement shall be on seven (7) days notice and hearing to the United States trustee pursuant to LBR 2002-1
- (2) The proposed disclosure statement and plan shall be filed as an attachment to the motion.
- (3) If either of the above motions is granted, then the the proponent of the plan shall promptly file the approved combined plan or conditionally approved disclosure statement and plan, as appropriate, and comply with LBR3018-1.

(d) Contents of Plan

- (1) The plan shall clearly set forth what acts or events constitute substantial consummation of the plan.
- (2) A plan providing for liquidation of property of the estate shall set a date certain by which liquidation must occur and shall provide for an alternative if liquidation does not occur by the date so set.

(e) List Classifying Claims

A list classifying claims shall be filed with the plan and disclosure statement and shall be in the prescribed format.

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3017.1	Disclosure Statement in Small Business Case
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
LBR 3017-1	Chapter 11 - Plan and Pre-Confirmation Requirements
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Decree in Chapter 11 Reorganization Cases
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

LBR 3017-1
JUNE 1, 2007

Rule 3018 - 1

Chapter 11 Plan Confirmation

(a) Notice of Filing Disclosure Statement and Plan

The party filing a disclosure statement and proposed plan shall give twenty five (25) days notice in the prescribed form to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the disclosure statement and provide a copy of the disclosure statement and proposed plan to those entities required by FRBP 3017.

(b) Notice of Approval of Disclosure Statement and Opportunity to Object to Proposed Plan

The proponent of a plan, where the disclosure statement has been approved by the court, shall give twenty five (25) days notice to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the confirmation of the plan along with a copy of the following items:

- (1) Notice of Approval of Disclosure Statement and Matters Relating to Confirmation of Plan in the prescribed local form;
- (2) Approved Disclosure Statement;
- (3) Proposed plan;
- (4) Ballot for Accepting or Rejecting Plan of Reorganization in the prescribed local form;
- (5) List Classifying Claims in the prescribed local form.

(c) Notice of Conditionally Approved Disclosure Statement or Combined Plan and Disclosure Statement

The proponent of a plan in the case of a small business debtor where the court has conditionally approved the disclosure statement, or approved a combined plan and disclosure statement, shall give twenty five (25) days notice to the Master Mailing List in accordance with LBR 2002-1 of the opportunity to object to the disclosure statement or confirmation of the plan along with a copy of the following items:

- (1) Conditionally Approved Disclosure Statement;
- (2) Proposed Plan
- (3) Ballot for Accepting or Rejecting Plan of Reorganization in the prescribed local form.
- (4) List Classifying Claims in the prescribed local form.

(d) Modification of Plan Before or After Confirmation

- (1) Before Acceptance and Confirmation

Sub-section (a) of this rule shall apply where the proponent modifies the disclosure statement or the proposed plan prior to acceptance of the proposed plan, unless otherwise ordered by the court.

- (2) After Acceptance but before Confirmation

If proponent seeks an order determining that modification to a plan does not have any adverse affect pursuant to FRBP 3019, the proponent shall give twenty (20) days notice to trustee, UST, any committee appointed or if non appointed, then to the list of 20 largest creditors required by FRBP 1007(d), debtor and debtor's attorney.

- (3) If the effect of a modification to the proposed plan so requires, an amended List Classifying Claims shall be filed.

- (4) After Confirmation

The proponent of a modification to a confirmed plan pursuant to 11 USC 1127(e) shall give all notices related to the request for modification.

(e) Acceptance or Rejection of Plan

- (1) Ballots accepting or rejecting the plan shall be filed with the Court, unless otherwise ordered by the court.
- (2) The proponent, or other entity as the court may direct, shall certify to the Court the results of balloting, as prescribed by the appropriate local form.

Related Provisions

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
FRBP 3017.1	Disclosure Statement in Small Business Case
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan

11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

LBR 3018 - 1
JUNE 1, 2007

LBR 3022-1

Final Decree in Chapter 11 Reorganization Case

(a) Final Decree and Closing of Cases

(1) Final Account Filed

Seven (7) days following the filing of the final account, the final decree may be entered and the case closed unless a motion is filed requesting that the final decree not be so entered.

(2) Final Account Not Filed

If a final account has not been filed within one hundred eighty (180) days following the confirmation of the plan, a final decree may be entered and the case closed unless a party in interest has filed a written objection. The notice of the confirmation of the plan shall include notice that the final decree will be entered and the case closed without a final account unless an objection is filed within one hundred eighty (180) days following confirmation

(3) Exception Where Debtor is an Individual

Notwithstanding paragraph (1) and (2) above, cases where the debtor is an individual shall not be closed until a discharge has been granted, denied, or waived by the debtor.

Related Provisions

FRBP 3022 Final Decree in Chapter 11 Reorganization Case

11 USC 1141 Effect of Confirmation

LBR 3022-1
December 1, 2008